



General Assembly

February Session, 2020

**Raised Bill No. 5497**

LCO No. 2737



Referred to Committee on ENVIRONMENT

Introduced by:  
(ENV)

***AN ACT CONCERNING MINOR REVISIONS TO ENVIRONMENT-RELATED STATUTES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (d) of section 22a-416 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective from*  
3 *passage*):

4 (d) As used in this section the terms "class I", "class II", "class III" and  
5 "class IV" mean the classifications of wastewater treatment plants  
6 provided for in regulations adopted by the Department of Energy and  
7 Environmental Protection. The Commissioner of Energy and  
8 Environmental Protection may establish requirements for the presence  
9 of approved operators at pollution abatement facilities. Applicants for  
10 class I, [and] class II, class III and class IV certificates shall [only] be  
11 required to pass the relevant standardized national examination  
12 prepared by the Association of Boards of Certification for Wastewater  
13 Treatment Facility Operators. [Applicants for class III and class IV  
14 certificates shall only be required to pass the relevant standardized  
15 national examination prepared by the Association of Boards of

16 Certification for Wastewater Treatment Facility Operators  
17 supplemented with additional questions submitted by the  
18 commissioner to such board. Operators with certificates issued by the  
19 commissioner prior to May 16, 1995, shall not be required to be  
20 reexamined.] The commissioner, or the commissioner's designated  
21 agent, shall administer and proctor the examination of all applicants.  
22 The qualifications of the operators at such facilities shall be subject to  
23 the approval of the commissioner. The commissioner may adopt  
24 regulations, in accordance with the provisions of chapter 54, [requiring  
25 all operators at pollution abatement facilities to satisfactorily complete,  
26 on a regular basis, a state-certified training course, which may include  
27 training on the type of municipal pollution abatement facility at which  
28 the operator is employed and training concerning regulations  
29 promulgated during the preceding year. Any applicant for certification  
30 who passed either the examination prepared and administered on  
31 December 8, 1994, by the commissioner or the examination prepared by  
32 the Association of Boards of Certification for Wastewater Treatment  
33 Facility Operators and administered on December 8, 1994, by the  
34 commissioner shall be issued the appropriate certificate in accordance  
35 with the regulations adopted under this section] concerning application,  
36 certification, renewal and continuing education requirements for  
37 operators. On and after October 1, 2018, each certified operator shall  
38 obtain not less than six hours of continuing education each year.  
39 Continuing education units and associated courses shall be approved  
40 by the commissioner or the commissioner's designated agent in  
41 consultation with the operator certification advisory board. A record of  
42 such continuing education shall be maintained by the certified operator  
43 and by the facility employing the operator and shall be made available  
44 for inspection upon request by the commissioner.

45 Sec. 2. Section 26-159a of the general statutes is repealed and the  
46 following is substituted in lieu thereof (*Effective from passage*):

47 To establish and manage populations of marine and anadromous  
48 finfish and marine arthropods and to facilitate the establishment of  
49 unified coast-wide regulations in accordance with the provisions of

50 fishery management plans developed pursuant to the Fishery  
51 Conservation and Management Act of 1976 (Public Law 94-265, as  
52 amended) or other regional fishery management authorities, the  
53 Commissioner of Energy and Environmental Protection may adopt  
54 regulations in accordance with the provisions of chapter 54 governing  
55 possession of such species, sport fishing and commercial fishing by  
56 persons fishing for such species in the waters of this state or landing  
57 such species in this state, regardless of where such species were taken.  
58 Such regulations may: (1) Establish the open and closed seasons; (2)  
59 establish hours, days or periods during the open season when fishing  
60 shall not be permitted in designated waters or areas for all or limited  
61 species by all or limited methods; (3) establish legal lengths; (4) prescribe  
62 the legal methods of sport fishing for all or limited species; (5) establish  
63 for sport fishing the daily creel limit, the season creel limit and the  
64 possession limit; (6) restrict sport fishing from boats and other floating  
65 devices and sport fishing from designated areas; (7) determine the  
66 species which may be taken by commercial fishing methods, provided  
67 striped bass, Atlantic salmon, other anadromous salmon, brown trout,  
68 rainbow trout and brook trout may only be taken by angling and, if  
69 taken in the waters of this state, shall not be sold, bartered, exchanged  
70 or offered for sale, barter or exchange; (8) prescribe the legal methods of  
71 commercial fishing; (9) determine the specifications, materials and  
72 dimensions of nets, seines, fykes, traps, pounds, trawls, trolling gear,  
73 long lines, set lines and other commercial fishing gear used in the waters  
74 of this state; (10) regulate the use and marking of commercial fishing  
75 gear, including boats used to conduct activities authorized pursuant to  
76 section 26-142a; (11) determine the number and size of finfish and  
77 marine arthropods which may be taken by commercial fishermen; (12)  
78 determine the total number and pounds of finfish and marine  
79 arthropods, by species, which may be taken by commercial fishing  
80 methods or for commercial purposes during a calendar year or lesser  
81 period; (13) prohibit the landing of protected species; (14) for a fishing  
82 derby or tournament, require that such activity be registered and that  
83 an accurate report of all fish tagged, marked and taken, time spent on  
84 an area and any other data required by the commissioner for

85 management purposes be returned within a specified period of time.  
86 Any person who violates any regulation concerning sport fishing  
87 adopted in accordance with the provisions of chapter 54 and this section  
88 shall have committed an infraction and may pay the fine by mail or  
89 plead not guilty under the provisions of section 51-164n. [, except that  
90 any person who violates any regulation adopted in accordance with the  
91 provisions of chapter 54 and this section pertaining to the taking of  
92 striped bass shall be fined one hundred dollars for each fish taken or  
93 possessed for the first violation, be fined two hundred dollars for each  
94 fish taken or possessed for the second violation and be fined five  
95 hundred dollars for each fish taken or possessed or imprisoned not more  
96 than thirty days, or both for each subsequent violation. No part of any  
97 fine imposed for the taking or possession of any striped bass in violation  
98 of any such regulation shall be remitted.]

99 Sec. 3. Subsection (g) of section 22a-50 of the general statutes is  
100 repealed and the following is substituted in lieu thereof (*Effective from*  
101 *passage*):

102 (g) The registrant shall pay a fee of [nine hundred forty dollars] one  
103 hundred eighty-eight dollars per calendar year, or any portion thereof,  
104 for each pesticide registered and for each renewal of a registration. [A  
105 registration shall expire after five years.] The commissioner may register  
106 a pesticide for a period of one year or five years. For such five-year  
107 registrations, the commissioner shall establish regulations to phase in  
108 pesticide registration so that one fifth of the pesticides registered expire  
109 each year. The commissioner may register a pesticide for less than five  
110 years and prorate the registration fee accordingly to implement the  
111 regulations established pursuant to this subsection. The fees collected in  
112 accordance with this section shall be deposited in the General Fund.  
113 There shall be no refund of a registration fee if a product is voluntarily  
114 withdrawn or cancelled before the end of its registration period.

115 Sec. 4. Subsection (f) of section 22a-54 of the general statutes is  
116 repealed and the following is substituted in lieu thereof (*Effective from*  
117 *passage*):

118 (f) (1) The commissioner may by regulation adopted in accordance  
119 with the provisions of chapter 54 prescribe fees for applicants to defray  
120 the cost of administering examinations and assisting in carrying out the  
121 purposes of section 22a-451, except the fees for certification and renewal  
122 of a certification shall be as follows: [(1)] (A) For supervisory  
123 certification as a commercial applicator, two hundred eighty-five  
124 dollars; [(2)] (B) for operational certification as a commercial applicator,  
125 eighty dollars, and [(3)] (C) for certification as a private applicator, one  
126 hundred dollars. A federal, state or municipal employee who applies  
127 pesticides solely as part of his employment shall be exempt from  
128 payment of a fee. Any certificate issued to a federal, state or municipal  
129 employee for which a fee has not been paid shall be void if the holder  
130 leaves government employment. The fees collected in accordance with  
131 this section shall be deposited in the General Fund.

132 (2) Not less than sixty days before the date of expiration of a  
133 certification, the commissioner shall provide notice of expiration and a  
134 renewal application to each licensee. If a signed renewal application  
135 accompanied by the applicable renewal fee is not received by the  
136 commissioner on or before midnight of the expiration date, or if the  
137 expiration date is a Saturday, Sunday, or a legal holiday, on or before  
138 midnight of the next business day, the license shall automatically lapse.  
139 Failure of a licensee to receive a notice of expiration and renewal  
140 application shall not prevent a lapse of a license.

141 (3) The commissioner may renew any certification issued pursuant to  
142 this section for the holder of a certification that has lapsed less than one  
143 year, provided the holder of such certification submits to the  
144 commissioner a signed renewal application, payment of the applicable  
145 renewal fee and any late fee. Such late fee shall be calculated as follows:  
146 Beginning on the first day that such certification lapses, ten per cent of  
147 the applicable renewal fee plus one and one-quarter per cent per month,  
148 or part thereof, for a period not to exceed one year. Any holder of a  
149 certification that has lapsed more than one year shall be examined in  
150 accordance with the requirements of this section and any regulation  
151 adopted pursuant to the provisions of this section.

152 Sec. 5. Subsection (c) of section 22-11h of the general statutes is  
153 repealed and the following is substituted in lieu thereof (*Effective from*  
154 *passage*):

155 (c) Individual structures used for aquaculture as defined in section  
156 22-11c, including, but not limited to, racks, cages or bags, as well as  
157 buoys marking such structures, which [do not otherwise require]  
158 received a permit under federal Army Corps of Engineers regulations  
159 and do not interfere with navigation in designated or customary boating  
160 or shipping lanes and channels, shall be placed in leased or designated  
161 shellfish areas and shall be exempt from the requirements of sections  
162 22a-359 to 22a-363f, inclusive.

163 Sec. 6. Section 26-107h of the general statutes is repealed and the  
164 following is substituted in lieu thereof (*Effective from passage*):

165 On or before February first, annually, the Commissioner of Energy  
166 and Environmental Protection [shall] may submit to the joint standing  
167 committee of the General Assembly having cognizance of matters  
168 relating to the environment a report on the progress of the program  
169 established under section 26-107f, the purposes for which any funds  
170 allocated to said program were expended and the future of the program.

171 Sec. 7. Section 26-107i of the general statutes is repealed and the  
172 following is substituted in lieu thereof (*Effective from passage*):

173 The Commissioner of Energy and Environmental Protection may  
174 establish a program for the sale of wildlife stamps, prints, posters,  
175 calendars, publications or other items and for the receipt of private  
176 donations. Any revenue received from the sale of such goods or  
177 materials and any such private donations shall be deposited in the  
178 General Fund and allocated to the program established under section  
179 26-107f.

180 Sec. 8. Section 26-137 of the general statutes is repealed and the  
181 following is substituted in lieu thereof (*Effective from passage*):

182 No person shall take or attempt to take any fish [, with the exception  
183 of lamprey eels during the open season for the same,] within two  
184 hundred fifty feet of any fishway, except that the commissioner when  
185 he or she deems necessary may extend or reduce such distance and shall  
186 indicate such other distance by posting.

187 Sec. 9. Subsection (a) of section 23-5d of the general statutes is  
188 repealed and the following is substituted in lieu thereof (*Effective from*  
189 *passage*):

190 (a) The commissioner may approve a natural area preserve [only  
191 upon the recommendation of the Natural Area Preserves Advisory  
192 Committee and] only after public hearing and upon notice. The notice  
193 required by this section shall set forth the substance of the proposed  
194 action and describe, with or without legal description, the area affected  
195 and shall set forth the time and place of the hearing, and shall be  
196 published at least once in the Connecticut Law Journal not less than  
197 fifteen days nor more than sixty days before such hearing. Such notice  
198 shall also be published twice in a newspaper having a substantial  
199 circulation in the municipality or municipalities in which the natural  
200 area is situated, at intervals of not less than ten days, the first not more  
201 than forty-five days nor less than thirty days, and the last not less than  
202 five days before such hearing.

203 Sec. 10. Subsection (a) of section 23-5e of the general statutes is  
204 repealed and the following is substituted in lieu thereof (*Effective from*  
205 *passage*):

206 (a) An area designated as a natural area preserve is declared to be put  
207 to its highest, best and most important use for public benefit and no  
208 interest therein owned by the state shall be alienated or put to any use  
209 other than as a natural area preserve, except upon a finding by the  
210 commissioner [in consultation with the natural area preserves  
211 committee] that (1) such alienation or other use serves a public necessity  
212 and that no prudent alternative exists or (2) the features of the land  
213 found worthy of preservation have been destroyed or irretrievably

214 damaged so that the public purpose in preserving such land has been  
215 frustrated, and after the approval of such proposed alienation or other  
216 use by the Governor. Any alienation shall be subject to the payment of  
217 just compensation to the state for the use of the commissioner and to  
218 such other terms and conditions as the commissioner shall determine.  
219 Any finding which the commissioner is required to make under sections  
220 23-5a to 23-5i, inclusive, shall be made only after public hearing and  
221 upon notice. The notice required by this section shall set forth the  
222 substance of the proposed action and describe, with or without legal  
223 description, the area affected, and shall set forth the time and place of  
224 the hearing, and shall be published at least twice in the Connecticut Law  
225 Journal, at intervals of not less than fifteen days, the first not more than  
226 sixty days nor less than thirty days, and the last not less than five days  
227 before such hearing. Such notice shall also be published twice in a  
228 newspaper having a substantial circulation in the municipality or  
229 municipalities in which the area directly affected is situated, at intervals  
230 of not less than ten days, the first not more than forty-five days, nor less  
231 than thirty days, and the last not less than five days before such hearing.  
232 No finding which the commissioner is required to make under sections  
233 23-5a to 23-5i, inclusive, shall be effective until, after the approval by the  
234 Governor of the proposed action based on such finding, the finding has  
235 been published in the Connecticut Law Journal. No action shall be taken  
236 by the state pursuant to such finding prior to the expiration of sixty days  
237 after such finding becomes effective. During such sixty-day period, any  
238 such finding may be appealed by any resident of this state, in a suit  
239 brought against the commissioner in the superior court for the judicial  
240 district of Hartford. In any such action, the court shall vacate such  
241 finding if it finds the commissioner acted arbitrarily or illegally with bad  
242 faith or with malice in making such finding. During the pendency of  
243 such appeal, the state shall take no action pursuant to the findings of the  
244 commissioner.

245       Sec. 11. Subsection (c) of section 22a-73 of the general statutes is  
246 repealed and the following is substituted in lieu thereof (*Effective from*  
247 *passage*):

248 (c) [No ordinance shall be effective until such ordinance has been  
249 approved by the commissioner. No ordinance shall be approved unless  
250 it is in conformity with] Any such municipal noise control ordinance  
251 shall be at least as stringent as any state noise control plan, including  
252 ambient noise standards, adopted pursuant to section 22a-69 or any  
253 standards or regulations adopted by the administrator of the United  
254 States Environmental Protection Agency pursuant to the Noise Control  
255 Act of 1972 (P.L. 92-574) or any amendment thereto. Notwithstanding  
256 the provisions of this subsection, any municipality may adopt more  
257 stringent noise standards than those adopted by the commissioner. [,  
258 provided such standards are approved by the commissioner.]

259 Sec. 12. Section 23-5c of the general statutes is repealed and the  
260 following is substituted in lieu thereof (*Effective from passage*):

261 The commissioner shall establish a system of natural area preserves  
262 and shall have responsibility for selection, care, control, supervision and  
263 management of all natural area preserves within the system to the extent  
264 of the interest held by the state, and shall maintain such preserves in as  
265 natural and wild a state as is consistent with the preservation and  
266 enhancement of protected resources and educational, scientific,  
267 biological, geological, paleontological and scenic purposes. In  
268 establishing such system, the commissioner shall consider as a priority  
269 the acquisition of areas identified as essential habitats of endangered  
270 and threatened species pursuant to the program established under  
271 section 26-305. The commissioner, alone or in cooperation with  
272 individuals or other public bodies, including the federal government,  
273 may conduct inventories of areas within the state that may prove  
274 worthy of inclusion within a system of natural area preserves, and may  
275 gather and disseminate information concerning inventoried areas, or  
276 natural area preserves under his control. Information collected in such  
277 inventories shall become part of the natural diversity database of the  
278 Department of Energy and Environmental Protection. The  
279 commissioner shall ensure the use of natural area preserves for research  
280 consistent with purposes of sections 23-5a to 23-53, inclusive. [, and  
281 26-314.] The commissioner may adopt regulations under the provisions

282 of section 23-4 for managing the natural area preserves system  
 283 including, but not limited to, procedures for the adoption and revision  
 284 of a management plan for each designated natural area preserve. A  
 285 management plan may permit recreational activities which do not  
 286 adversely impact the protected resources of the natural area preserve.  
 287 The commissioner may use funds available under section 23-79 for the  
 288 development and implementation of such management plans.

289       Sec. 13. Sections 25-138 to 25-142, inclusive, and sections 25-157n and  
 290 26-314 of the general statutes are repealed. (*Effective from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-416(d)
Sec. 2	<i>from passage</i>	26-159a
Sec. 3	<i>from passage</i>	22a-50(g)
Sec. 4	<i>from passage</i>	22a-54(f)
Sec. 5	<i>from passage</i>	22-11h(c)
Sec. 6	<i>from passage</i>	26-107h
Sec. 7	<i>from passage</i>	26-107i
Sec. 8	<i>from passage</i>	26-137
Sec. 9	<i>from passage</i>	23-5d(a)
Sec. 10	<i>from passage</i>	23-5e(a)
Sec. 11	<i>from passage</i>	22a-73(c)
Sec. 12	<i>from passage</i>	23-5c
Sec. 13	<i>from passage</i>	Repealer section

**Statement of Purpose:**

To make various minor revisions to environmental programs including wastewater treatment facility operator certification programs, pesticide control programs and noise ordinance programs.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*